

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 3

103RD GENERAL ASSEMBLY

0348S.03C

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to department of revenue fee offices.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 136.055, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 136.055,  
3 to read as follows:

136.055. 1. Any person who is selected or appointed  
2 by the state director of revenue as provided in subsection 2  
3 of this section to act as an agent of the department of  
4 revenue, whose duties shall be the processing of motor  
5 vehicle title and registration transactions and the  
6 collection of sales and use taxes when required under  
7 sections 144.070 and 144.440, and who receives no salary  
8 from the department of revenue, shall be authorized to  
9 collect from the party requiring such services additional  
10 fees as compensation in full and for all services rendered  
11 on the following basis:

12 (1) For each motor vehicle [or trailer] registration  
13 issued, renewed, or transferred[, six dollars and twelve  
14 dollars for those licenses sold or biennially renewed  
15 pursuant to section 301.147;]:

16 (a) **Nine dollars for annual registration; or**

17 (b) **Eighteen dollars for biennial registration;**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18           (2) **For each trailer registration issued, renewed, or**  
19 **transferred:**

20           (a) **Nine dollars for annual registration;**

21           (b) **Twenty-seven dollars for three-year registration;**

22 **or**

23           (c) **Forty-five dollars for permanent registration;**

24           (3) For each application or transfer of title, **[six]**  
25 **nine** dollars;

26           **[(3)] (4)** For each instruction permit, nondriver  
27 license, chauffeur's, operator's or driver's license issued  
28 for a period of three years or less, **[six] nine** dollars and  
29 **[twelve] eighteen** dollars for licenses or instruction  
30 permits issued or renewed for a period exceeding three years;

31           **[(4)] (5)** For each notice of lien processed, **[six]**  
32 **nine** dollars;

33           **[(5)] (6)** Notary fee or electronic transmission per  
34 processing, two dollars.

35           2. The director of revenue shall award fee office  
36 contracts under this section through a competitive bidding  
37 process. The competitive bidding process shall give  
38 priority to organizations and entities that are exempt from  
39 taxation under Section 501(c)(3), 501(c)(6), or 501(c)(4),  
40 except those civic organizations that would be considered  
41 action organizations under 26 C.F.R. Section 1.501(c)(3)-  
42 1(c)(3), of the Internal Revenue Code of 1986, as amended,  
43 with special consideration given to those organizations and  
44 entities that reinvest a minimum of seventy-five percent of  
45 the net proceeds to charitable organizations in Missouri,  
46 and political subdivisions, including but not limited to,  
47 municipalities, counties, and fire protection districts.  
48 **Notwithstanding any provision of law to the contrary, the**  
49 **director of revenue shall not award any fee office contract**

50 under this section to any entity affiliated in any manner  
51 with a current employee of the department of revenue or with  
52 a former employee of the department of revenue for the one-  
53 year period following the former employee's termination of  
54 employment with the department. For purposes of this  
55 subsection, "affiliated in any manner" includes owning the  
56 entity or serving as an officer or board member of such  
57 entity. Additionally, no person affiliated in any manner  
58 with an entity awarded a fee office contract under this  
59 section shall be affiliated in any manner with an entity  
60 acting as a motor vehicle title service agent as prescribed  
61 in sections 301.112 to 301.119. The director of the  
62 department of revenue may promulgate rules and regulations  
63 necessary to carry out the provisions of this subsection.  
64 Any rule or portion of a rule, as that term is defined in  
65 section 536.010, that is created under the authority  
66 delegated in this subsection shall become effective only if  
67 it complies with and is subject to all of the provisions of  
68 chapter 536 and, if applicable, section 536.028. This  
69 section and chapter 536 are nonseverable and if any of the  
70 powers vested with the general assembly pursuant to chapter  
71 536 to review, to delay the effective date, or to disapprove  
72 and annul a rule are subsequently held unconstitutional,  
73 then the grant of rulemaking authority and any rule proposed  
74 or adopted after August 28, 2009, shall be invalid and void.

75 **3. Notwithstanding any other provision of law to the**  
76 **contrary, the director of revenue shall have the authority**  
77 **to enter into a contract amendment or renewal, for any**  
78 **contract for a fee office awarded through the competitive**  
79 **bidding process after September 1, 2009, to extend such**  
80 **contract for up to a five-year period to begin after the**  
81 **expiration date of such contract. The director of revenue**

82 shall evaluate performance under the contract when deciding  
83 whether to enter into contract amendments or renewals  
84 authorized in this subsection. Nothing shall obligate the  
85 director to offer such extension or renewal. A  
86 competitively awarded contract may only be extended once  
87 pursuant to this subsection.

88 4. All fees authorized under this section collected by  
89 a [tax-exempt organization] contract fee office may be  
90 retained and used by the [organization] entity operating the  
91 contract fee office, and all fees authorized under this  
92 section collected by a fee office operated by the department  
93 of revenue shall be considered state revenue.

94 [4.] 5. All fees charged shall not exceed those in  
95 this section. The fees [imposed by] authorized under this  
96 section shall be collected by all [permanent] contract fee  
97 offices and shall be collected by all full-time or temporary  
98 offices [maintained] operated by the department of revenue.

99 [5.] 6. Any person acting as agent of the department  
100 of revenue for the sale and issuance of registrations,  
101 licenses, and other documents related to motor vehicles  
102 shall have an insurable interest in all license plates,  
103 licenses, tabs, forms and other documents held on behalf of  
104 the department.

105 [6.] 7. The fees authorized by this section shall not  
106 be collected by motor vehicle dealers acting as agents of  
107 the department of revenue under section 32.095 or those  
108 motor vehicle dealers authorized to collect and remit sales  
109 tax under subsection 10 of section 144.070.

110 [7.] 8. Notwithstanding any other provision of law to  
111 the contrary, the state auditor may audit all records  
112 maintained and established by the fee office in the same  
113 manner as the auditor may audit any agency of the state, and

114 the department shall ensure that this audit requirement is a  
115 necessary condition for the award of all fee office  
116 contracts. No confidential records shall be divulged in  
117 such a way to reveal personally identifiable information.

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